TO BUILD FIFTY MILES OF WALK

Big Extension Passes the City Council, With Only One Adverse Vote.

SIXTY ACRES WILL BE ANNEXED TO THE CITY

Pitch Provided for on Seventh South Street to Prevent Future Floods.

The fifty mile sidewalk extension, embraced within the district bounded on the north by Ninth South street, on the east by Thirteenth East street, on the south by the southern city limits and on the west by State street, was approved by the City Council last night, and an ordinance was passed levying a tax against the abutting property to a tax against the abutting property to pay the cost of it. City Recorder J. B. Moreton reported that owners of 3531.00 feet of property involved had protested, and that it would require 176,183.90 feet to defeat it under the law. The ordinance was passed with

10,183.90 feet to defeat it under the iaw. The ordinance was passed with only Councilman Fernstrom voting against it. Councilman L. D. Martin championed the improvement.

The next step will be to let the contract. This will be done on March 14, and the fifty miles will be included in the other sidewalk work to be done during the coming spring and summer. It is expected that about half of it will be done this year.

done this year. The City Attorney was instructed by The City Attorney was instructed by the Council to proceed against, and abate if possible, a lunchstand at 46 East First South street. The Elgin dairy sent in a protest that the fumes from the cocking are damaging the milk, cream and butter in its place of business, located next door to the stand. The place will be proceeded against under the recent ordinance passed to do away with such places. The Utah Chamber of Commerce sent in a protest against the condition sent in a protest against the condition of Third Street, between Main and West Temple streets. The matter was referred to the Street Committee.

Will Be Annexed to City.

The Council passed the ordinance annexing to Salt Lake City sixty acres which now adjoin the city on the southeast. The land includes lots 3, 4, 5, 6, 7, 16, 17, 18, 19 and 20 and parts of lots 1 and 2, all in block 10, five-acre plat C, Big Field survey. It includes the recently platted Westminster Heights, Earl Dunshee et al. petitioned for the annexation, and the ordinance now merely lacks the signaordinance now merely lacks the signs ture of Mayor Thompson to make it effective. City Treasurer Frank Swenson asked

to be allowed the service of an extra man for ninety days in his office at \$3

a day. The request was referred to the Finance Committee.

City Engineer L. C. Kelsey recommended the leasing of ground from the Utah Light & Railway company upon which to build a house for the watchman at the intake of the Rig Cetter. man at the intake of the Big Cotton-wood conduit, stating that the ground could be leased for a nominal sum. The matter was referred to the Waterworks Committee and the City Attorney.

Ditch on Seventh East.

Street Supervisor J. T. Raleigh was authorized to dig a ditch at a cost of \$375 on Seventh South street, Seventh to Tenth West streets. Mr. Raleigh, in a communication to the Council, dein a communication to the Council, de-clared that the ditch was necessary to prevent floods in the southwestern part of the city during heavy rains. The Engineering and Sewerage Com-mittee recommended that the request of the Manufacturers and Merchants'

association that home products be used for sewer pipe be placed on file without action, and the report was adopted. The M & M.'s letter was a strong advertisement for a local concern engaged in the manufacture of pipe. Councilman Mulvey introduced

Councilman Mulvey introduced a resolution, which was adopted, authorizing the Mayor to appoint a watchman for the Big Cottonwood conduit at a salary of \$75 a month. The watchman is to serve during the pleasure of

To Improve Liberty Park.

Councilman Hobday introduced a resolution appropriating \$5000 to erect a bandstand, construct an artificial lake and make other improvements in Liberty Park. The resolution was referred to the Committee on Public Grounds, of which Mr. Hobday is chair-man. Mr. Hobday also introduced a resolution directing the Committee on Public Grounds to solicit bids for the music concession and other concessions in the park for a period of three years,

in the park for a period of three years, and this resolution was adopted.

City Engineer L. C. Kelsey submitted his new map of the city, which abolishes duplication in street names, and makes other changes in street names, including the changing of "East Temple" to "Main" street. He also submitted ordinances repealing the present street names, and adopting the names used on the map. The ordinances names used on the map. The ordinances laid over for one week.

Harry Shipler, through President A.
J. Davis, presented to the Council a
large framed photograph of the party
which made the trip of inspection to
the Big Cottonwood conduit Saturday
last. A vote of thanks was extended
to Mr. Shipler. to Mr. Shipler.

LEVY IS BOUND OVER

Second Hand Man Stands Trial on Two State Prison Charges.

State Prison Charges.

M. Levy, a second-hand and junk dealer, was bound over to the District court by City Judge J. J. Whittaker on two charges of receiving stolen goods, knowing them to be stolen. The goods consisted of two lots of journal brass stolen by Harry Leroy and Bert Miller from the Oregon Short Line.

Leroy and Miller, who are now serving terms in the State prison for stealing the brass, were the principal witnesses against Levy. They gave strong testimony against him. Levy, who has property interests here, was released on his own recognizance. He has been at liberty without bond for some months.

Levy escaped conviction on a similar charge a few months ago by a technicality. Judge A. J. Weber, who is defending him, advanced the plea of former joopardy as a reason why his client should go free, but Judge Whittaker overruled the point. The preliminary examination has taken several days. The pronecution has several more charges in reserve against Levy.

Salt Lake Photo Supply Co. Kodaks, finishing, framing. 142 Main st.

BOY INJURED IN **ELEVATOR ACCIDENT**

William Holmquist Sustains a Fractured Skull and Concussion of Brain.

William Holmquist, and 17, was severe-injured in an elevator accident at Mc-Donald's candy factory about 2:30 p. m. yesterday, having sustained a fractured kull and concussion of the brain. About midnight he had not recovered conscious-Holmquist was operating the freight elevator, and, as nearly as can be ascertained, failed to stop the machinery when the elevator had reached the top. The cable was torn in two and the elevator fell to the basement, a distance of about twenty feet.

When help arrived Holmquist lay un onscious on the elevator platform and upon examination it was found that he had sustained a severe fracture of the skull. Just how this was done is not known, but it is possible that his head struck the heavy iron beam to which the cable was fastened at the top of the elevator. The young man was removed to St. Mark's hospital, where his injuries were attended to by Dr. E. V

CAPTURED THE SHINGLE

Moot Court Issues Search Warrants for Barristers' Shingle.

A fake warrant and a fake sheriff succeeded, neverthless, in gaining admittance to the home of the Amica Fraternity of the University yesterday afternoon to search for one little shingle hearing the word "Barristers."

About two weeks ago the law stu-dents of the University were given a special room in the library building in which they might hold regular sessions of their "Moot court" and discuss all other important matters that must of necessity come before so grave an as-semblage.

other important matters that must of necessity come before so grave an assemblage.

They immediately nailed up their shingle with the lone desolate word "Barristera." A few days ago a member of the Amicans spied the sign and thought how much better it would look along with the choice collection of street car signs and kindred advertisements now at the frat house than in the bustling hallway of the school.

Upon the disappearance of the sign an important meeting of the barristers was held and, after hearing all the evidence, Chief Justice Stockman of the Moot court gravely directed the swearing out of a search warrant of the premises of the Amica fraternity. Twenty-five deputies were then sworn in, but as the membership of the club numbers but twenty, five preps were called in to fill up the deputation. Armed with the warrant and followed closely by his deputies Sheriff "Eva" Barton, formerly of the foothall squad, hied himself to the home or the Amicans. The housekeeper was rather skeptical about allowing Barton to enter the house, but after a perusal of the warrant she decided that there was no two ways about the matter and forthwith invited the charming sheriff "Her in." forthwith invited the charming sheriff

Her in."

The shingle had been given a place of prominence, as it was the newest acquisition of the Amicans. Sheriff Barton experienced little difficulty in Barton experienced little difficulty in locating it. After giving his receipt for the same, "Eva" forgot his dignity and gave vent to a loud "Hooray," and gave vent to a loud "Hooray," and gave vent to a loud 'Hooray,' which brought on an attack from the Amicans. After a hard struggle, the twenty-five deputies managed to escape with the shingle. It is now in its old position over the door of the Moot court. The report of the sheriff will be made at the regular meeting of the court next Friday afternoon.

INSANE FROM ACCIDENT

Isaiah John Sues Utah Light & Railway Company for \$30,000.

way Company for \$30,000.

Alleging that he has been driven insane as the result of a street car accident, Isalah Jones, through Edward Ashton, his guardian, brought suit in the District court vesterday against the Utah Light and Raliway company for \$30,000 damages. The complaint says that on May 21, 1906, Jones and one Redman were driving along West Temple street between South Temple and First South streets, when their horse became fractious. They got out of the buggy to quiet him, and signalled a street car which was approaching to stop.

The motorman, it is alleged, refused to stop, with the result that the horse "gave a great leap and bound," throwing Jones against the front of the street car. Injuring his back and spine, and rendering him deranged. The complaint alleges that he is now in the insane asylum at Provo, and that his insanity is believed to be incurable.

curable. Richard Arthur Ireland brought suit yesterday against the Garfield Smelter company for \$15,000 damages, for the death of his son, Arthur A. Ireland, aged 18 years, who met death in an accident at the smelter on November 10, 1906. While engaged on some framework, it is alleged, young Ireland stepped on a loose plank, which gave way under him, causing him to fall several feet and inflicting fatal injuries.

LAWYERS ARE ADMITTED

Supreme Court Opens February Term

and Licenses Them to Practice. and Licenses Them to Practice.

The Supreme court began its February term yesterday morning. Max Brown and Elias C. Ashton were admitted to practice law upon the report of a barcommittee, composed of Frank Pierce and Charles Baldwin, to the effect that they had passed satisfactory examinations. Horace B. B. Thompson, who presented a certificate from the Court of Appeals of New York, was admitted to practice upon motion of G. H. Smith, and Thomas O. Sheckell, who presented a similar certificate from the Supreme court of Indiana, was likewise admitted on motion of N. J. Sheckell.

The court adopted a new rule that here. The court adopted a new rule that here-after all applicants for admission to the after all applicants for admission to the bar shall be examined on the opening day of each term by the bar committee appointed for that purpose. Two cases were argued and submitted to the court yesterday, and were taken under ad-visement.

TO THE WOMAN

who does not know "L'Irresistible" or the "Gossard" front laced corset—the woman who appreciates elegance and beauty cultivates grace, cherishes health, understands comfort and seeks contentment, will find all these and experience the utmost satisfaction in her "L'Irresistible" or in her "Gossard" "They lace in front" THE CHARLTON SHOP

Tribune Job Printing Co. at 66 W. econd South.

McCoy's Stables. Carriages and light livery. 'Fones 81.

SEEK TO ENJOIN USE OF CONDUIT

Alleged Owners of Water Right Bring a Suit In the District Court.

SECURE TEMPORARY RESTRAINING ORDER

City Officials Will Hold Conference to Discuss Matter This Morning.

The Progress company, which claims to own valuable water rights in Big Cottonwood creek, brought an injunction suit in the District court yesterday to restrain Salt Lake City from turning water into its Big Cootonwood conduit or permitting water to flow through the conduit. Judge Morse is sued a temporary restraining order, resued a temporary restraining order, re-turnable February 26 at 10 o clock a. m., forbidding the city cither to turn in the water or to let if flow through the conduit, as prayed for. This order was served upon City Recorder J. B. More-ton.

conduit, as prayed for. This order was served upon City Recorder J. B. Moreton.

The water was not turned off last night, and is still flowing through the conduit. A conference of city officials will be held in the mayor's office at 10 o'clock this morning to discuss the situation and to reach a conclusion as to the scope and effect of the order is sued by Judge Morse. This conference will be participated in by Mayor Ezra Thompson, City Attorney Ogden Hiles, City Engineer L. C. Kelsey, and the waterworks committee of the city council headed by Chairman M. E. Mulvey.

The complaint filed by the Progress company is decidely indefinite in that it fails to state what portion of the waters of the creek it claims to own. It sets up that it in 1856 appropriated "a large body" of water from Big Cottonwood creek, and that from October until April of each year it has been using all the waters of the creek.

The building of the conduit by the city is recited, and it is alleged that the city's rights are subsequent and subordinate to the rights of the Progress company. On February 5, it is alleged, the city diverted the water of the plaintiff company by turning it into the conduit. It is also alleged that the city has no present use for the water. The complaint is verified by John P. Cahoon, who signs himself as manager of the Progress company.

One thing set upon the complaint is that the Progress company is furnishing water to the citizens of Murray for domestic use, and that it will be unable to do so if the water is permitted to flow through the conduit. Van Cott, Allison & Riter and King, Burton & King are attorneys for the company.

COMING DEBATES

University Team Will Leave for Boul der, Colorado, Wednesday Afternoon.

der, Colorado, Wednesday Alternoon.

J. Percy Goddard, manager of debating at the University has just signed a two-year contract with the University of Oregon for two intercollegiate debates. The first of these will be held in Sait Lake about the fifteenth of March and the second will be held a year from then at Eugene, Ore. The questions for debate have not been decided upon, but a meeting of all students interested in debating will be held tomorrow afternoon to decide upon a question to submit to the Oregonians.

upon a question to submit to the Oregonians.

The team which represents the University in the annual intercollegiate debate with the University of Colorado will leave Wednesday afternoon for Boulder, where they will debate with the Colorado school on the question, "Resolved, that the best solution of the Cuban question is annexation to the United States." The members of the Utah team are J. Percy Goddard, Earness Bramwell and J. W. Brown. he finals of the interclass series University will be held on March between teams representing the juni

PRANKS OF STUDENTS

Having Little Fun at the Expense of the Professor.

the Professor.

Some time ago one of the local papers came out with the statement that Prof. Eaton of the Highschoel had a right to smile because of the fact that he has kept fraternities out of the Highschool. It is said a number of the students of the school have been laughing up their sleeves, so to speak ever since. This bunch of students happened to be of the number who belong to a frail of Highschool students. Yesterday morning they could keep it "mum" ne longer, and the result was that long before daylight a large streamer was suspended between two trees directly over the main entrance to the school block. The headlines of the piece in the paper read. "Prof. Eaton has a right to smile." The streamer had painted on it in large black letters: "The Czar has no right to smile." Prof. Eaton is termed "The Czar" at the school. He is reported to be looking wise, keeping still and looking for the fraternity.

ANNUAL MEETING HELD

Shareholders of Consolidated Wagon & Machine Company Elect Officers. Machine Company Elect Officers.

Monday afternoon the shareholders of the Consolidated Wagon and Machine Company held their annual meeting in the local offices. Besides transacting the regular routine business they elected a board of fourteen directors, this being the first election of the kind held since the incorporation of the company, as the original directors were elected to held office for a term of five years, beginning February 13, 1992. Following is the personnel of the board which will serve during the current year: Joseph F. Smith, W. S. McCornick, George Romney, George T. Odell, F. R. Snow, G. G. Wright, John Henry Smith, L. S. Hills, C. S. Burton, James H. Moyle, Melvin D. Wells, Francis M. Lyman, Thomas R. Cutler and Grant Hampton.

In Federal Court.

William A. Britain of Milton, Wasatch ounty, and Rod McDonald of Green Riv-r, Emory county, were yesterday ap-ointed United States Commissioners in the Federal court.

J. R. S. Budge, with Stewart & Stewart, and a former Idaho man, was yesterday admitted to the practice of law in the Federal court.

New Map of the City.

The new map of Salt Lake City published by R. L. Polk & Co. and drawn from Official Records, will be ready for delivery in a few days. It shows all the new streets and avenues shows all the new streets and avenues as well as the recent changes in the names of a large number of streets as ordered by the City Council. It also shows the courts, alleys, etc. Size 45x56 inches. Price \$1.00. Send in your order for a copy. R. L. Polk & Co., W. P. Cooper, Sec. & Mgr. 617-620 Dooly Bldg. Tel. 39, either line.

CITY AND NEIGHBORHOOD

The Grammar Grade teachers of the ity schools will hold an institute at the afayette school this afternoon.

Supt. G. L. Hickox of the local bu-eau of animal industry, has applied to be department at Washington for four idditional veterinary surgeons to be em-loyed as sheep inspectors at Reno. Nev.

ployed as sleep inspectors at Reno, Nev.
Berwin Cox, formerly employed by the
A. D. T. Messenger company, was arrested by Deputy Sheriff Ike Emery Monday night and locked up in the county
jail on a charge of petty larceny. The
boy has been in similar trouble before
and is considered an incorrigible.

H. B. Scott brought suit in the District
court yesterday against L. R. Ritte,
James D. Murdoch and Ezra Thompson,
alleging that in the construction of the
new Thompson-Murdoch building on Second South street they have done \$417.47
worth of damage to his block, which adJoins it

clifford Burlingame, aged 15, was painfully injured Sunday by plunging his armithrough a pane of glass in the door at his home. 251 West Sixth South street. The boy had slipped on the carpet and fell against the door, striking the glass in attempting to regain his equilibrium. The flesh on his left wrist was laid open, exposing the bone for several inches. The wound was dressed by a surgeon and no serious results are anticipated.

serious results are anticipated.

Clyde Peters, the young man who was arrested last Friday for stealing a pair of shoes from the Montana lodsing house, and who on Saturday entered a plea of not guilty, appeared for sentence in the Police court Monday afternoon and asked to have the plea changed to guilty. On the changed plea Judge Diehl imposed a fine of \$500. Peters was once before convicted of the crime of petty larceny and sentenced to serve 30 days in fall.

in fall.

Joe Thurmer, the negro who is supposed to have fought a running duel with platols with R. B. Martin, the chemist, last Friday morning, and who was subsequently arrested on a charge of committing burglary at the offices of the Pittsburg and Salt Lake Oil company. Tenth South and Fourth West, plead not guilty in the Police court Monday afternoon and had his case set for Monday, February 18, at 10 a. m. In default of \$500 bail the prisoner was turned over to the custody of the Sheriff.

Eugene P. Crowley, first lieutenant of

to the custody of the Sheriff.

Eugene P. Crowley, first lleutenant of company M. Twenty-ninth infantry, and battallon adjutant, arrived yesterday afternoon from Fort Duchesse to undergo trial by court-martial on the alleged charge of being short in his accounts. The trial will be held at Fort Douglas. The accused has had a varied career in the army. In 1898 he was appointed first lieutenant of the Second Oregon infantry and later became cautain of the Thirty-and later became cautain of the Thirtyand later became captain of the Thirty-fifth infantry of United States volun-teers. He was made second lieutenant of the Fourth United States infantry in 1901, and was promoted to the first lieu-tenancy of the Twenty-ninth in 1903. During the same year he was graduated from the infantry and cavalry school.

GIBSON PLEADS GUILTY

Prolific Forger Escapes With One Year in the State Prison.

H. L. ("Doc") Gibson, alias H. P. Kendall, who has served one term in Kendall, who has served one term in the county jail for passing a bogus check, pleaded guilty to a charge of forgery before Judge Armstrong in the District Court yesterday, and was sentenced to one year in State's prison upon recommendation of District At-torney F. C. Loofbourow. Gibson had been out of jail only a few days when he secured employment with an insur-ance company and committed a small ance company and committed a small forgery. He claims to be an important witness for the defense in the trial of the alleged assassins of ex-Governor Frank Steunenberg of Idaho. Judge Armstrong set criminal cases for trial yesterday as follows: February 18—George R. Riley, fel-

March 25-L. P. Martin, criminal assault March 26-James Donaldson, robery and grand larceny. March 28—Alice Roach, assnult with

a deadly weapon.

The case of Levi Rose, charged with forgery, was transferred to the Juvenile Court.

MAY CROSS RESERVATION

United States Senate Authorizes Extension of Boulevard.

WASHINGTON, Feb. 11.—The Senate today passed the bill authorizing the City Council of Salt Lake City to build a boulevard through Fort Douglas Military reservation, under rules and regulations to be prescribed by the Secretary of War.

This is a bill enabling the city to extend the Wasatch drive across the military reservation. The City Council, at the request of those interested, memorialized Congress to pass the bill, which was introduced by Senator Smoot. The Wasatch drive was built by private subscription mainly, and it is not contemplated that the boulevard across the military reservation shall be built at public expense. The bill must pass the lower House before it becomes effective.

EDDINGTON IS JAILER

He Suceeds John Larson, Whom Sheriff Removed Some Days Ago.

Removed some Days Ago.

Richard L. Eddington was yesterday appointed night jailer at the county jail by Sheriff C. Frank Emery, to succeed John Larson Larson was forced to resign by Sheriff Emery because of the escape of Charles Riss, the notorious crook, while Larson was on duty. The County Commissioners confirmed the appointment.

ment.

Jalier Eddington was for a long time connected with the Sait Lake police department. Later he was made a guard at the State prison. He aspired to he Deputy United States Marshal, but was turned down for Julian Riley, who was Senator Sutherland's choice for that place.

CITY IN DARKNESS

Street Car Jumps Track and Interferes With Electric Light Wires.

With Electric Light Wires.

A street car on the West Temple street line lumping the track threw the entire city in darkness for several minutes Monday night. The car struck a pole carrying the high-tension wire from Ogden and until the light could be switched to another circuit Egyptian darkness prevailed. At the Salt Lake Theater "Sapho" was in the dark; the comedians at the Orpheum ceased their comedy work for a time, and, in fact, everything was interrupted. In a few minutes again there was light.

Water Applications Filed.

Water Applications Filed.

Water applications were filed yesterday with the State Engineer by Arthur Watkins et al. of Vernal, who desire 5.1-7 second feet of water from the Ducheme rives, the diverting channel to be 13,000 feet long. The water will be used to irrigate 360 acres of land.

The Oasis Mining and Development company of Coalville desires 2 second feet of water to drive machinery at the Oasis mine, while the Bingham Metal Mining company asks for 2 second feet of water to be used for culinary purposes at their mine in Tooele county.

Reading Club Meeting.

meeting of the Bay View Read ing club, held yesterday afternoon, at the home of Mrs. Davis, Miss Marie Brehm.

BREEDEN DODGES THE MAIN ISSUE

Sends Long and Rambling Letter to House Concerning the Bounty Fraud Claims.

SQUIRMS AWAY FROM HIS OPINION OF TWO YEARS AGO

Now Holds State Is Estopped From Recovery of Moneys Illegally Paid.

Attorney General M. A. Breeden has written to Speaker Harry S. Joseph a letter in reply to the resolution of the House, directing him to institute on behalf of the State a suit against the county clerks, who certified to fraudulent bounty claims. In his letter Major Breeden says nearly everything, except to say that he believes the State can recover. He squirms out of his opinion of two years ago that recovery could be had from the clerks by say ing that it could only recover if it had the fraudulent claims in full, and that having paid to innocent purchasers of bounty certificates the face value of what they bought such certificates for, it has estopped itself from the recovery. Following is Major Breeden's letter:

Text of Opinion.

Text of Opinion.

February 11, 1907.

Hon. Harry S. Joseph, Speaker, and Members of House of Representatives.

Gentlement I beg to acknowledge receipt of two resolutions of your honorable body passed on the 29th alto relating to bounty frauds and instructing this office to proceed without unnecessary delay to recover by action at law from the several County Clerks, or their bondsmen, the amount paid by the State on fraudulent bounty certificates. In reply I will state that I am informed by the State Auditor that there are now filed with him unpaid bounty certificates siggregating about \$35,000, all of which have been examined by said officer and the State Board of Examiners in accordance with Section 3 of Chapter 109, Session Laws of 1995, the larger part of which were found to be illegal and fraudulent or tained with fraud. This office is prepared at all times to institute suit for the recovery from the responsible parties every dollar unlawfully abstracted from the State treasury, but it can not proceed until the liability is complete. That is to say, in no event could the State have any standing in court in this matter until money was actualy paid out on fraudulent certificates. In an opinion to a member of the last Legislature of this subject I heid, in a lengthy discussion of the subject, that the State was in no sense legally liable for the payment of illegal or fraudulent bounty certificates. In one clause of that opinion I also expressed the view that the State was in no sense legally liable for the payment of the guiltent deemed it proper to pay such certificates. The Legislature deemed it proper to pay such certificates. The Legislature did not, however, follow my opinion given to one of its members, but went beyond its scope and intent and passed an act authorizing the reimbursement to innocent third parties who had purchased illegal or fraudulent certificates. The Legislature did not order the payment of these illegal or fraudulent or illegal should be paid out of the State Board of Examiners to be

Principle of Suretyship.

The general principal of suretyship applies with equal force in the case of the State as it does in other cases, and where any change, without the consent of the surety, is made in a contract where sureties are bound, such change will operate as a discharge of such sureties. It does not matter whether such change is for the benefit of such sureties or not, the

does not matter whether such change is for the benefit of such sureties or not, the legal effect is the same. This act partakes of the nature of a voluntary donation, and not as a payment of a claim. That is to say, the State comes in as a mere volunteer and pays to certain persons certain sums of money which it was not bound to pay.

My opinion contemplated the payment of such certificates in the usual and regular way at their face value, and not otherwise. I distinctly held that the State was in no sense legally liable for the payment of flegal and fraudulent certificates. By the above I do not intend to change my former view, viz. that if the State had paid these certificates in the regular way it would not then stand in the position of volunteer and would at least be subrogated to the rights of the innocent holders. It will be plainly seen that this act changes the contract of suretyship, and therefore effects the whole legal phase of the case.

The resolution herein referred to av-

and therefore effects the whole legal phase of the case.

The resolution herein referred to extends the time for filing these illegal or fraudulent certificates with the State Auditor until fanuary 1 1908, and hence it would be novel (even if there was no doubt about ultimate recovery) to institute to recover funds which are still in the State treasury. It is true some illegal and fraudulent certificates have already been paid, but it would be unwise and perhaps disastrous to bring a suit by piecemeal.

and perhaps disastrons to be a piecemeal.

I understand, from the State Auditor, that of the \$28,000 of certificates now in his hands and unpaid, about \$10,000 or \$15,000 are of the illegal or fraudulent kind. This being the case, I would here recommend and most strongly urge your honorable body to repeal that portion of section 4 of chapter 103, Session Laws of 1905, authorizing the allowance, to inno-1905, authorizing the allowance, to inno-cent purchasers, the actual amount paid by them for llegal and fraudulent certifi-cates. This would save the taxpayer the \$10,000 or \$15,000 above referred to. There \$10,000 or \$15,000 above referred to. There is no doubt about the authority of the Legislature to do this. By this method no one would be injured, no injustice done, and the holders of illegal and fraudulent certificates would have their legal remedy against the delinquent officer and his bondsmen, and the funds in the State treasury would be preserved for legitimate purposes.

The provisions of this act were not called to my attention until the Legislature had adjourned and the laws were signed and published, hence I had no opportunity to pass upon it at that time. I am very truly,

M. A. BREEDEN,

Attorney-General.

RAILROAD COMMITTEE MEETS.

Commission Bill Considered, But No Conclusion Reached.

The House Committee on Railroads and Common Carriers met in the committee room, 125 of the Wilson hotel, at 8 o clock Monday night to consider H. B. No. 16, by Mr. Critchlow, providing for the creation of a Railroad Commission for the State of Utah.

The bill is a voluminous one, consisting as it does of thirty area. ing as it does of thirty nine large full grown sections. Twenty two sections were read and were made the subject grown sections.

of animated informal discussion.

The reading of the bill so far has shown that it contains many impractical provisions, which, in the event of its passage, which seems not at all

CUTLER COLLECTS FOR LINEMEN WANT SMOOTITE BANQUET

Governor Mulcts State Officials for \$10 Each for Tonight's Affair.

Governor John C. Cutier constituted himself a collecting committee last week to raise funds for the Liucoln Day banquet, to be given ostensibly by the Smootite organ on West Temple street at the Commercial club tonight. The Governor sent to every elective State design last week a typowritten State official last week a typewritten request that they contribute \$10 early to the hapquet. This note was deliv-ered by Willard Done, the Governor's

ered by Willard Done, the Governor's acting private secretary.

Even the judges of the Supreme Court were not overlooked in the request for funds, although the Chief Justice of that court has been abused without stint in the columns of the Smeetite organ. The Governor stated in his communication that the barquet is to commendate the hirthday and

in his communication that the banquet is to commemorate the birthday and memory of Lincoln and also to celebrate the first anniversary of the Blunck-founded Smootite organ.

The invitations to tonight's banquet have been issued in the name of the paper itself, but the paper is not paying for the banquet. Fearing that Governor Cutler would not be able to raise sufficient money. Speaker Harry Joseph of the Legislature was commissioned to go out into the highways and byways and raise money, which he did. So, while the members of the did. So, while the members of the Legislature, who are to be the guests of honor tonight, may imagine that their "official party organ" is paying for the food and drink, the fact is that they will cat at the expense of Republican office holders and politi-cians, while the organ gets the credit for it

for it.

The speech of "Fussy Jimmy" An The speech of "Fussy Jimmy" Anderson, who was down on the programme as printed on the invitations to respond to the toast "The Republican Newspaper," is said to have been called off. At least it was not printed in the official programme published by the Smootite organ yesterday morning. Somebody is said to have sing gested that "Fussy Jimmy's" participation in the programme would be too suggestive of Navajo blankets and other unpleasant subjects, and for that reason, it is said, he will not electrify the banqueters with his eloquence to-

night. Hyrum E. Booth will be president of he occasion tonight, and Postmaster 'Jim'' Clove of Provo will be toast-

the banqueters with his eloquence to

probable, would have to be eliminated. In the discussion of the measure, Mr. Critchlow was assisted in answering questions that were put by other members, and in explaining the benefits which would accrue to the people of this State if the bill should become a law. And while their arguments were ingenious and showed that the gentlemen had given much careful study to the subject they did not anyear to be men had given much careful study to the subject, they did not appear to be convincing or to carry much weight with the other members of the commit-

From present appearances it is hard to determine just where the point of least resistance to the bill can be found in the committee that has it in harge.

The committee rose without arriving at any conclusion on any point, but at the request of the chairman will meet again on Thursday night and take up

again on Thursday night and take up the remaining seventeen sections. H. B. No. 49, by Mr. Barnett, pro-viding that no railroad company shall be permitted to appropriate coal in transit to its own use, when said coal is consigned to other parties, or words to that effect, was discussed, and on motion of Mr. Kuchier, the committee agreed to report that the bill do not agreed to report that the bill do not

pass. H. B. No. 61, by Mr. Kuchler, which provides that every electric or cable ear in this State shall be provided with a seat for motormen, to be used by them after running a distance of one mile from the business center of a city, and, as amended by Kuchler, each car except trailers shall have an air brake attached, was further amended by Mr. Robinson, compelling street car and cable companies to provide a seat for every passenger. The amend-ment by Mr. Robinson was voted down and the bill as amended by Kuchler, that street cars shall be run by a motorman and conductor, was passed motorman and conductor, was upon by the committee favorably. For each violation of the provisions of this act a minimum fine of \$50 is imposed, as high as \$250. While and it may go as high as \$250. While the bill is made to apply to all street car companies in the State, it is es-pecially designed to cure the slipshod manner of running street cars in Og-

TRAVELING LIBRARY

Bill Presented in House to Aid Worthy Organization.

Among the bills presented to the islature yesterday was that for the State Support of the Traveling Library, an organization that has been of vital Among the bills presented to the Legimportance to every club woman in the state for several years. The bill asks that the State appropriate the sum of \$1600 for two years for the support of the organization, and that the governor of the State name a committee of State club women to carry on the work. The State of Pennsylvania pays \$2500 every State of Pennsylvania pays \$2500 every two years for the support of the State traveling library; Iowa \$4000 besides a salaried secretary. The local club women only ask that the amount above mentioned be given, and that no paid secretary be appointed. The bill is patperned after a similar one from the State of Colorado. The local organization has been in existance for the past State of Colorado. The local orgition has been in existance for the nine years, it has 32 libraries and 3000 books. It is expected books. It is expected that the gover-nor, should the bill become a law, will give some of the club women who have been and are greatly interested in the work of the library permission to continue the work, as they are familiar with the ins and outs of the library.

INVITED TO COMMITTEE.

Representative Kuchler Issues an Invitation Those Interested.

tation Those Interested.

You are earnestly requested to appear with Committee referred to in the following resolution, at the Wilson hotel, on Thursday, February 14:

By Kuchier-Resolved that a committee of three be appointed by the Speaker to investigate the alleged false publication by trade journals of quotations on different commodities purchased on the open markets, and the alleged use of said quotations in making settlements for such commodities by dealers. Respectfully yours.

RUDOLPH KUCHLER, Chairman.

INCREASE OF WAR

International Brotherhood Electrical Workers 8 tions Demand.

SCALE OF \$4 PER DAY WILL BE REQUES

Important Change Made in Government of the Local Branches.

The Intermountain council of trienl workers has just adjourned holding several sessions in Sile and at the conclusion of the agreement was arrived at may an increase of wages to linemen Electrical workers in the ploy of the Utah Light & Railway pany receive \$3.75 a day, thou employ of the Bell Telephone \$3.25 per day, but the new wa to be \$4.00. This rate is to be sal, but the matter has not m

put up to the companies concern put up to the companies concerns.

The convention, which has an eluded its labors, was the first by the International Brotherhood of trical Workers for this district gates were present from Mostas, ho, Wyoming and Itah. Concernate to be held annually, but a portant matters are now under a deration another session will have October of this year.

An important departure are

October of this year.

An important departure was in rated at the meeting just close was decided that in the future all ters will be left in the hands of council and not to the local bus By thus giving authority over all tions relative to labor and may safer policy will be pursued. It councils will prevail in the countion of all issues, and wherever is taken it will receive the suppliant the locals in the jurisdiction.

WALLACE PLEADS GUILT

Admits Violating the Sunday Orts in Selling Alcohol.

H. C. Wallace, the First Sent druggist, who was arrested at by Officers Golding and Shults lating the Sunday liquor of pleaded guilty to the offents in lice court Monday afternoon to what is considered a unique and original argument in extensities offence.

Assistant City in Selling Alcohol.

original argument in extensities of sence
Assistant City Attorney Dule stated to the court that it had see ported to him that Wallare had so this ordinance for a long period to this had been impossible to cath in the act until Sunday. It had Daley stated, been his practice a alcohol to drinkers of that raw her After admitting the selling at the Wallare declared he had never her was under the ban of the law halled that he had sold even the as a common thing. Proceeding the further excuse his act the drunker. If the truth were known, we less alcohol than any other drug in Salt Lake. I could bring eit that would convict every drug that would convict every drug this town. It is not believed the statement, which startled corporate in hearing of it, will materially predict the defendant with his fellowing in the city, or that it will great him when he comes up for seater a porter to the defendant with his fellowing in the city, or that it will great him when he comes up for seater and the defendant with his fellowing in the city, or that it will great him when he comes up for seater and the defendant with his fellowing in the city, or that it will great him when he comes up for seaters.

day.

A prominent police official decide Wallace case after the plat de had been made, and the remarkable fense, presented, stated that its of twenty-three "drunks" area, the police on Sunday, February its traceable to the Wallace drug store.

ly Destroyed by Fire.

NO WATER FOR ENGINE Residence of Dr. Woodmansee

ly Destroyed by Fire.

Fire at 11 o'clock Monday for totally destroyed the two-story relic of Dr. J. W. Woodmanses, at his of Twelfth South and Fourth East.

Mrs. Woodmanses had gone to as bor's house on a short errand what ing back toward her own home at covered the roof ablaze. Though the promptness, great difficulty was severed in coping with the fames, by sion of the fact that the location has of the water district, and so water be obtained for the engines. The spread with great rapidity and is soon seen that the Woodmanse he was doorned. The firemen, low formed a bucket brigade, and, the liard struggle, saved the adjoinst dences, which, but for their effort, have gone up in flame and involvintense was the heat when the first the height that the division text tween the Woodmansee property and adjoining was reduced to asks. Sorensen had his face hadly sorthe fight with the flames. The island is estimated at \$1450, with insurance \$1000, carried by the Albany out.

FIFTEEN STUDENTS DROP Failure to Carry Stipulated Amoun

Work the Cause.

Work the Cause.

Fifteen university students were dry for lack of industry during the fine of the school year just passed, grades of all students were under the registrar of the University last by the faculty, and after going over the following note was penned to the following note that the following note was penned to the following note was penned to the sity for the second semester as a for your failure to pass in ten how work. Respectfully yours.

This is the first time in the historite school that students have been missed because of failure to carry a ulated amount of work. This sales become found necessary, as there see be a lack of industry among some dents, owing to the former lastly of tules.

The plan now adopted at the University of the former lastly of the plan now adopted at the University and the former lastly of the

rules.

The plan now adopted at the University that been successfully tried in most big Eastern institutions and in all has proven the best method of second indolent students. Judging free out indolent students. Judging free in the halls at the local school results at the local school results at the second promises to surpass any the method promises to surpass at yet devised for inspiring industry

Two Fire Calls. Two Fire Calls.

An unnecessary alarm of fire was in late Monday afferneon for a blaze in the residence of Earnest at 77 Wall street. The fire was on fore the department arrived. No less that 77 Wall street. The fire was on the alarm of fire at 7.30 o'clock day evening was for a fire at the dence of James W. Wilson, Eighth and South Temple streets. It is built at the fire department that it was work of an incendiary. The department that it was work of an incendiary. The department that it was the fire department that it was hard the fire department that it was hard the fire department that it was not seen as the fire department that it was not seen as the fire department that it was not seen as the fire department that it was not seen as the fire department that it was not seen as the fire department of the fire department of the fire department of the fire department of the fire of the fire department of